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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 WILLIE WEAVER,

No. CIV S-05-0449-RRB-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 NOVENCIDO, et al.,


15 Defendants.  
16 \_\_\_\_\_/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant  
18 to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion for appointment of counsel  
19 (Doc. 16), filed on November 18, 2005.

20 The United States Supreme Court has ruled that district courts lack authority to  
21 require counsel to represent indigent prisoners in § 1983 cases. See Mallard v. United States  
22 Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may  
23 request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v.  
24 Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36  
25 (9th Cir. 1990). In the present case, the court does not find the required exceptional  
26 circumstances.

1                   Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the  
2 appointment of counsel is denied.

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4 DATED: December 4, 2005.

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7 **CRAIG M. KELLISON**  
8 UNITED STATES MAGISTRATE JUDGE  
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